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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

THEADORE T. SUSSAN,)	No. 3:13-cv-1599-MO
)	
Plaintiff,)	
)	JUDGMENT
v.)	
)	
POLK COUNTY, OREGON,)	
)	
Defendant.)	

THIS MATTER coming on regularly for trial on the 14th day October, 2015, before the Honorable Michael W. Mosman; plaintiff appearing by and through two of his attorneys, J. Randolph Pickett and Kimberly O. Weingart; defendant Polk County, Oregon, appearing by and through its attorney, Gerald Warren;

The attorneys made opening statements on behalf of their respective clients, introduced testimony and evidence in support of their respective cases, and thereafter rested on October 15, 2015.

Arguments were made to the jury on behalf of the respective parties, and the jury, having been instructed on all matters of law, and having retired to deliberate on its verdict, returned into court a verdict in favor of plaintiff on October 16, 2015, omitting the title of the court and cause, which was in the following form:

We, the jury, being duly empaneled and sworn in the above-entitled cause, do find as follows.

1. Was Defendant Polk County negligent in one or more of the ways Plaintiff Sussan claims?

Answer: Yes

If you answered "Yes" to Question 1, then proceed to Question 2. If you answered "No," then your verdict is in favor of Defendant and your deliberations are concluded. Do not answer any more questions. Your Presiding Juror should date and sign this Verdict.

2. Was Defendant Polk County's negligence a cause of damage to plaintiff Sussan?

Answer: Yes

If you answered "Yes" to Question 2, then proceed to Question 3. If you answered "No," then your verdict is in favor of Defendant and your deliberations are concluded. Do not answer any more questions. Your Presiding Juror should date and sign this Verdict.

3. Was Plaintiff Sussan negligent in one or more of the way Defendant Polk County claims?

Answer: Yes

If you answered "Yes" to Question 3, then proceed to Question 4. If you answered "No," then go to Question 6. Do not answer Question 4 or Question 5 if you answered "No."

4. Was Plaintiff Sussan's negligence a cause of damage to himself?

Answer: Yes

5. What is the percentage of each of the parties' negligence which caused damage to Plaintiff Sussan?

Defendant Polk County 50%

Plaintiff Theadore Sussan 50%

The percentage must total 100%. If Plaintiff's percentage is 50% or less, go to Question 6. If Plaintiff's percentage is greater than 50%, then your verdict is for Defendant. Do not answer any more questions. Your Presiding Juror should date and sign this Verdict.

6. What are Plaintiff Sussan's total money damages?

Economic Damages \$435,475

Noneconomic Damages \$50,000

Do not reduce these amounts by Plaintiffs percentage of negligence, if any, because the court will do this when entering judgment.

Your deliberations are complete. The Presiding Juror should sign and date the form and alert the bailiff that you have reached a verdict.

Dated this 16th day of October, 2015.

s/
Presiding Juror

The matter coming on for judgment on the verdict, now, therefore

IT IS HEREBY ORDERED AND ADJUDGED that plaintiff Theodore Sussan have judgment against defendant Polk County in the sum of \$242,737.50.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff is entitled to recover costs from defendant Polk County in an amount to be determined pursuant to Fed. R. Civ. P 54(d)(1).

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff is entitled to recover interest on said sums at the rate of 0.23% per annum from the date of entry of judgment until paid.

DATED this 30th day of Nov., 2015.

/s/ Michael W. Mosman

Honorable Michael W. Mosman
Circuit Court Judge

SUBMITTED BY:

s/ J. Randolph Pickett

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